

WASHINGTON, DC -- Congresswoman Linda Sánchez, Chairwoman of the House Judiciary Subcommittee on Commercial and Administrative Law (CAL), issued the following opening statement today at the CAL Subcommittee hearing on “Allegations of Selective Prosecution Part II: The Erosion of Public Confidence in our Federal Justice System”

“During a March 6, 2007 Commercial and Administrative Law Subcommittee hearing on a measure regarding the appointment of U.S. Attorneys, we posed the following question: Are important decisions about our justice system being made for political reasons? Seeking answers, the Judiciary Committee has investigated whether the Department of Justice has allowed politics to seep into its decision-making. The investigation initially focused on the firings of several United States Attorneys for their reluctance to bring politically-based prosecutions. Gathered evidence led the Judiciary Committee to look into other activities of the Justice Department. Namely, whether the Justice Department’s hiring of career employees was based on the illegal criterion of political affiliation.

“We also began an examination of whether the Justice Department brought Federal prosecutions based on political motivations. Today, we continue this investigation and focus on another aspect of the Justice Department’s actions. If the Justice Department prosecuted individuals for political expediency, did it refrain from prosecuting individuals for political purposes?

“Today’s hearing is the second joint hearing by the Commercial and Administrative Law Subcommittee, and the Crime, Terrorism, and Homeland Security Subcommittee, on allegations of selective prosecution. At our first joint hearing in October 2007, we heard testimony about Democrats being disproportionately targeted for Federal prosecutions under the current Administration. This joint hearing will focus on limited Federal prosecutions against Republican-leaning individuals and groups.

“Under this Administration, the Department of Justice has investigated allegations of voter fraud, but has seemingly turned a blind eye to investigating allegations of vote suppression. On election day in 2002, Republican party members and a Republican political operative impeded the New Hampshire Democratic Party and the Manchester Fire Fighters Association in their efforts to get out the vote.

“A Department of Justice investigation into the incident led to four individuals being indicted or pleading guilty for their involvement in suppressing voter turnout. However, there are allegations that senior Justice Department officials limited the inquiry, possibly to prevent the investigators from determining whether White House officials and top Republican National Committee personnel were involved.

“As a result, the Judiciary Committee was requested to investigate allegations of vote suppression in New Hampshire.

“We do not know if the investigators were able to determine why there were many phone calls between one of the indicted individuals, James Tobin, and the White House on the day of the election. However, we have learned that the RNC has paid the legal fees to defend Mr. Tobin,

a decision apparently approved by the White House. If there are indications that more senior officials in the RNC or even the White House were involved, why did the Justice Department appear to limit the investigation?

“We also have learned that the Justice Department did not fully investigate another troublesome allegation of vote suppression. Media reports in 2004 revealed that employees of Sproul & Associates, a Republican-connected voter registration firm, were apparently trained to falsely identify themselves as non-partisan and then register Republicans to vote while discouraging Democratic-leaning individuals from registering to vote.

“For those Democratic-leaning voters who completed registration cards, Sproul employees in Pennsylvania, Oregon, and West Virginia allegedly destroyed those registration cards. Although these activities are clearly aimed to suppress the Democratic vote and to favor Republican candidates, the Justice Department quickly determined that there was insufficient evidence to prosecute Sproul & Associates. If the media alleged vote suppression efforts by a Republican-connected firm, why did the Justice Department not fully investigate these activities?

“On three separate occasions, the Judiciary Committee has requested from the Attorney General answers to a series of questions and documents about the Justice Department’s handling of these cases. The Justice Department has failed to address our specific questions and has only provided cursory responses.

“We have also invited the Department of Justice to send a witness to testify at this hearing, but it has chosen not to present a witness. That is unfortunate because the American people need to be assured that political considerations play no role in determining whether a Justice Department investigation is pursued or whether an individual is prosecuted.

“Finally, although some may allege that we are wasting time holding this hearing, I question whether those critics would tell the American people that an investigation into efforts to suppress their right to vote is a waste of time. The American people want to be secure in the knowledge that the Federal Government will protect their right to vote and will prosecute individuals who seek to limit that constitutional right. There is simply no place for partisan politics in a prosecutor’s decision to move forward with a prosecution or to end an investigation.

“Accordingly, I look forward to the testimony of our witnesses today.”